



CONNECTICUT ASSOCIATION OF
REALTORS® INC.

Statement on

S.B. 15 (Raised): An Act Concerning Residential Property Condition Disclosure Report

OPPOSE

Submitted to the Joint Committee on Insurance and Real Estate
February 14, 2012

By Eugene A. Marconi, General Counsel
Connecticut Association of REALTORS®, Inc.

Good afternoon, Chairman Crisco, Chairman Megna, and members of the committee. My name is Eugene Marconi and I am the General Counsel for the Connecticut Association of REALTORS®. I appear today to speak in opposition to S.B. 15: An Act Concerning The Residential Property Condition Disclosure Report.

This bill is the latest installment in the annual exercise of bills concerning the Residential Property Condition Disclosure Report form. This particular bill seeks to amend the form by adding a question concerning whether the property is subject to or the subject of a hazardous waste clean-up. The Association opposes this bill because the proposed question is difficult for the ordinary homeowner to answer and because the bill conflicts with another bill that has either been introduced or will be introduced this session to implement the results of a working group chaired by Representative Baram. The Working Group did consider the question of hazardous waste clean-up disclosure.

Despite its apparent simplicity, this is not an easy question for the average homeowner to answer. First, the homeowner must be familiar with what constitutes "hazardous waste". The bill refers to a statutory definition which in turn refers to Section 3001 of the federal Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) which in turn refers to EPA regulation. Second, the homeowner must not only be aware of what constitutes hazardous waste but must

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be aware of what necessitates a "clean-up" and what constitutes "clean-up". A home owner throws the remainder of a solution of ammonia and water used to wash windows out in the backyard. Hazardous waste? Clean-up required? The next day the homeowner goes to mow the lawn and spills a cup of gasoline while attempting to fill the lawn mower. Hazardous waste? Clean-up required? What kind of clean-up would be required? Unless we are going to be transforming homeowners into environmental professionals, this question may be beyond the ken of most homeowners.

The working group last summer discussed these questions and concluded that it was not possible to frame a question for hazardous waste in a way in which it could be answered by most homeowners. Please note that omitting this specific question does not leave potential buyers without sources of information. The revised Residential Property Condition Disclosure Report form which became effective on January 10, 2012 contains a question asking about restrictions concerning the use of the property that are not necessarily part of the property's chain of title. This is intended to pick up information about DEEP orders which may cover an area including the property but do not specifically describe the property. In addition, the statutes already give sellers incentives to provide potential purchasers with written statements directing potential purchasers to the town clerk's office to obtain lists of hazardous waste sites located within the town as these lists are furnished by DEEP and to provide potential purchasers with a written statement that information concerning environmental matters can be obtained from the National Response Center website, the DoD website, DEEP website, EPA website and reports from third party providers.

For these reasons, the Association must oppose this bill, and I thank you for your time.



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